

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION)

THIS DOCUMENT RELATES TO:) Subcategory Case No. 06-11337-PBS
)
*United States of America ex rel. Ven-a-Care)
of the Florida Keys, Inc. v. Dey, Inc., et al.,)
Civil Action No. 05-11084-PBS)*

JOINT MOTION TO MODIFY PRETRIAL ORDER

The parties hereby move to modify the Pretrial Order dated October 20, 2009 (Master Dkt #6613, Sub. #508), in accordance with the attached proposed schedule. The parties have reached agreement on changes that would advance a number of due dates so that the various pretrial tasks are more staggered over the summer. Only two of the deadlines have been extended: the deadlines for submission of jury instructions and voir dire questions have been extended by two days, from August 25, 2010, to August 27, 2010. In addition, the defendants propose (without objection by plaintiffs) to add a new September 1, 2010, deadline for limited "fairness/completeness counter-counter designations" of deposition testimony, and to set the

deadline for objections to counter-designations on the same date. The parties further propose to add a new September 7, 2010, deadline for objections to counter-counter designations.

Respectfully submitted,

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L.P., Inc., and Dey, Inc.

CERTIFICATION

The undersigned counsel certifies pursuant to LR 7.1(A)(2) that counsel have conferred concerning this motion.

/s/ George B. Henderson, II

George B. Henderson, II

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above document to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: July 6, 2010

/s/ George B. Henderson, II

George B. Henderson, II

PROPOSED PRETRIAL ORDER

EVENT	CURRENT DATE	PROPOSED DATE
Witness lists	8/9/10	7/16/10
Exhibit lists	8/9/10	7/21/10
Designations of deposition testimony	8/9/10	7/28/10
Motions in limine Dey's Motion in limine regarding Dr. Perri and one motion in limine by plaintiffs Dey's Motion in limine regarding Roxane evidence	8/25/10	8/4/10 7/16/10 7/23/10
Objections to witnesses	9/1/10	7/30/10
Objections to exhibits	9/1/10	8/13/10
Oppositions to motions in limine filed on 7/16/10 and 7/23/10	NONE	8/23/10
Oppositions to motions in limine filed on 8/4/10	9/1/10	8/30/10
Objections to designations of deposition testimony	NONE	8/18/10
Counter-designations of deposition testimony	9/1/10	8/18/10
Conference re Pre-trial memorandum	8/25/10	8/20/10
Replies to oppositions to motions in limine	NONE	The parties will negotiate as needed and submit proposal to Court.
Objections to counter-designations of deposition testimony	NONE	9/1/10
Fairness/completeness counter-counter designations of deposition testimony	NONE	9/1/10

Objections to fairness/completeness counter-counter designation of deposition testimony		9/7/10
Joint pretrial memorandum	9/1/10	9/1/10
Proposed jury instructions	8/25/10	8/27/10
Proposed voir dire questions	08/25/10	8/27/10
Trial briefs	9/7/10	9/7/10
Final Pretrial Conference	9/8/10	9/8/10
Trial	9/13/10	9/13/10